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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 8th meeting
Held at Headquarters, New York, on Friday, 23 June 2017, at 10 a.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Tribute to the memory of Herman Andimba Toivo ya Toivo, Cabinet Minister, Namibia

2. **The Chair** paid tribute to Herman Andimba Toivo ya Toivo, one of the greatest African political leaders and a prominent independence activist, who had fought for the decolonization and liberation of Namibia, and had passed away on 9 June 2017. His tireless efforts to free his country from the yoke of South African apartheid had caused him to be imprisoned for 16 years alongside Nelson Mandela. After his release and subsequent years in exile, he had returned to his country and had continued to serve it as a Member of Parliament and Cabinet Minister.

Question of the Falkland Islands (Malvinas)
(A/AC.109/2017/6; A/AC.109/2017/L.26)

3. **The Chair** said that his country, the Bolivarian Republic of Venezuela, had strong ties with Argentina dating back to the independence movements led by Simón Bolívar and José de San Martín. The Argentine claim to sovereignty over the Malvinas Islands was supported by the overwhelming majority of members of the international community that were committed to upholding international law and strictly adhering to the purposes and principles of the Charter of the United Nations, including respect for the territorial integrity and political independence of States. The Committee would spare no effort to bring about a peaceful solution to the sovereignty dispute between the Argentine Republic and the United Kingdom over the Malvinas Islands.

4. He drew attention to the working paper prepared by the Secretariat on the question of the Falkland Islands (Malvinas) (A/AC.109/2017/6) and to a draft resolution on the issue (A/AC.109/2017/L.26).

Hearing of petitioners

5. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

6. **Mr. Hansen** (Legislative Assembly of the Falkland Islands) said that he was a sixth-generation Falkland Islander whose ancestors had arrived some 175 years earlier. His name was of Swedish descent, and many other Scandinavians had also made the Falklands their home during that time. Therefore in no way could he be regarded as part of an implanted population sent from the United Kingdom, as the Government of Argentina often claimed. More than 3,400 people from over 60 countries lived and worked on the Falkland Islands, which had an inclusive and multicultural society. The Argentine claim to the Islands was unfounded and unwelcome. The Government of Argentina had enforced an economic blockade against the Islands: Falkland Islanders were denied access to flights from South America, and Falkland Islands-flagged vessels had difficulties using ports in Chile, Uruguay and Brazil. Argentine legislation stated that any oil company working in the territorial waters of the Falkland Islands was doing so illegally and could be held to account. Prospective visitors to the Falkland Islands, including politicians and tradespeople, were pressured to cancel their trips, the sharing of scientific data on fishery stock conservation and hydrocarbons was denied, and there were no signs that the sanctions imposed by the previous Argentine Government would be removed.

7. The Islanders had the right to self-determination in accordance with the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and they had exercised that right in a 2013 referendum, in which 99.8 per cent of the 92 per cent turnout had voted in favour of retaining their current political status as an overseas territory of the United Kingdom. The Territory was a country, not a colony. It received no financial aid from the United Kingdom, made its own laws, regulated its own industrial activities and had enjoyed exponential economic growth over the previous three decades, despite the roadblocks that Argentina had sought to impose. The presence of British troops on the Islands was minimal and needed only for deterrence.

8. The Falkland Islands had prospered over the previous few centuries not only because of its unique and rich natural environment, but also as a result of the sound economic and political judgment of its elected Government. Revenues from agriculture, fisheries and tourism, together with the sustainable exploitation of natural resources such as hydrocarbons, would lead to financial security for many years for the people of the Falkland Islands. Environmental considerations were important throughout the Government's decision-making process, and independent input from Falkland Islands environmental organizations and their overseas partners was welcomed, despite the efforts of the Government of Argentina to stop such cooperation. The South Atlantic Environmental Research Institute, established by the Falkland Islands Government in

2012, administered environmental grants and shared data with partners for the better management of the ecosystem of the entire region. Sadly, the Government of Argentina had excluded itself from engagement on issues of mutual interest, such as fisheries data management.

9. The Committee was invited to visit the Falkland Islands to bear witness to the lives and wishes of its people, and was asked to ignore the false claims put forward by the Government of Argentina and to support the Islanders' wishes to remain an overseas territory of the United Kingdom.

10. **Mr. Summers** (Legislative Assembly of the Falkland Islands), said that his country was not a colony of the United Kingdom; instead, the Falkland Islands was a self-governing overseas territory of the United Kingdom that had expressed the clear wish to remain so in a free, open and internationally observed referendum. The Islands was economically self-sufficient, except for the cost of defence. Falkland Islanders wholeheartedly agreed that colonialism must be eradicated and that no people should be subjugated against their will. The Constitution provided for the right to self-determination and its realization in conformity with the Charter of the United Nations. Falkland Islanders managed and maintained their natural resources for their own long-term benefit, unlike in some other Territories where the administering Power wielded authority over the Territory's resources.

11. At the recent Caribbean regional seminar held in Saint Vincent and the Grenadines, many members had admitted that the Committee had achieved very little over the previous two decades and had failed in its duty towards the peoples of the Non-Self-Governing Territories. It was unsurprising that several Non-Self-Governing Territories in the Caribbean region had not attended that seminar, because the Committee had nothing to offer them. It had failed to modernize its thinking and modes of operation, to understand the political and economic developments of the Non-Self-Governing Territories, and to accept that the Territories were on development paths that did not necessarily lead to free association or integration with an administering Power, and might never lead to full independence. Many of the Territories considered by the Committee were not colonies and their people were not subjugated and browbeaten. They were very capable of thinking for themselves, and in fact the term "Non-Self-Governing Territory" itself was anachronistic, given that most of them enjoyed a very considerable measure of self-government. The Committee was stuck in an ideological time warp and needed to catch up to reality. Its sole task was to assist each Territory, not to bully them or ignore their views.

12. Large nations that were economically powerful should not exert their influence in a colonial manner or attempt to subjugate or control people in other countries or territories by means of economic levers. Argentina had implemented economic sanctions not against the United Kingdom, with which it claimed to have a dispute, but against the people of the Falkland Islands. The intention of the sanctions — to undermine the economy of the Falkland Islands — had been stated repeatedly by representatives of the Argentine Government. That constituted pure, raw economic colonialism, which was anathema to the membership of the Community of Latin American and Caribbean States (CELAC). The Committee could not support such colonialism in the Falkland Islands while condemning it elsewhere, or turn a blind eye because it did not wish to get involved in a dispute over sovereignty. States members of the Committee which had not yet done so should condemn the use of economic colonialism to subjugate and oppress the people of the Falkland Islands or any other territory.

13. The joint communiqué issued in September 2016 by the Governments of Argentina and the United Kingdom had been a welcome development, particularly its sections on cooperation on South Atlantic issues of mutual interest and the DNA identification of unknown Argentine combatants buried in the Falkland Islands. Although the parties had held discussions and reached agreements on certain issues, the Argentine Government had failed to honour its commitments in the areas of air links and cooperation in fisheries science. While the Argentine Presidency recognized that economic sanctions against Falkland Islanders were inappropriate, it faced opposition in the Congress and the Administration. Supporting or turning a blind eye to such sanctions was not an act of support to the Argentine Government; rather, it was an act in support of colonialism in its worst form and should be roundly condemned by all Committee members.

14. The contrived and facile argument that Falkland Islanders were not a people and therefore not entitled to self-determination was designed only to deny the Islanders' most fundamental human right. It relied on the application of the most outrageous double standards and invited the Committee to deny the free movement of people. His delegation once again invited the Committee to visit the Falkland Islands, and challenged Argentina not to block such a visit.

15. **Mr. Koroma** (Sierra Leone) said that his country opposed colonialism in all its forms and fully supported the principle of self-determination. The progress made in the discussions between the Governments of Argentina and the United Kingdom was welcome, as a political solution was the only way to resolve the issue. The negotiations must take into account the interests of the people of the Territory, and the Committee should report more on their economic, political and social situation. The progress made in removing the economic restrictions affecting the people of the Territory was also welcome. The Committee should encourage economic growth in the Territory and should report on positive developments. The people of the Territory should be able to determine their own destiny and the Committee could not dictate their path.

16. **Mr. Betts**, speaking in his personal capacity, said that the dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas went back 184 years and had first been heard at the United Nations in 1964 in the context of General Assembly resolution 1514 (XV). The Third and Fourth Committees had subsequently taken up the issue, resulting in the adoption of General Assembly resolution 2065 (XX) in 1965. Time and again, members of the Legislative Assembly of the Malvinas had presented the same dubious versions and self-serving interpretations of historical facts. That Argentine island territory had suffered under British colonial occupation since 1833, an occupation to which no Argentine Government had ever agreed.

17. Recalling a series of noteworthy historical events covering the period from the mid-eighteenth century to the present day and involving Britain, Argentina, Spain and France, he expounded the reasons why the British claim to the Malvinas was illegitimate. Beginning with its first expedition to the Islands in 1765, the British presence there had always been illicit, clandestine, partial and sporadic. In fact, there had been no official presence at all from 1774 to 1833. Between 1850 and 2013, the United Kingdom had not once appealed to the existence of a treaty through which Argentina had allegedly forfeited its right to sovereignty over the Malvinas.

18. The Constitution Order of 2008 had changed the degree of autonomy of the colonial administration of the Islands, but it did not affect the underlying issue of sovereignty or the colonial status of the Territory. Drawing the Committee's attention to several articles of that Order, he described how the monarchical powers of the British Government were delegated to its representative agent in the colonies, the Governor. The provisions of article 16 of the Order relating to protection against discrimination were highly commendable, but unfortunately many of them had no effect. Any public opposition to the neo-colonial system reigning in the Malvinas, as well as the voicing of opinions with absolute liberty, was judged to be incitement to disloyalty, and those doing so were subjected to coercion, intimidation and persecution, to such a degree that some had decided to leave the colony. Certain symbols and colours could not be shown in the Islands, and certain nationalities were denied access to the colony and prevented from making investments there.

19. As a result of certain sections of the Order relating to the qualification of electors for the Legislative Assembly, the definition of the term "citizen" and the process for approving work permits, nearly one third of the inhabitants of the Malvinas was excluded from participating in any political activities in the territory. They were not included in the polling register and had no representation in general elections. Thus it was not true that the Islanders enjoyed self-governance within a modern democracy and that the links with the motherland were almost non-existent. It was also doubtful that the vote of the population carried great weight in the decisions of the Government and that the Governor appointed from London without the participation of the population had little influence over such decisions. The supposed self-government in the Malvinas was simply old British colonialism by another name. Residual British power was as present and as influential as ever, and the Constitution of the Malvinas explicitly enshrined British supremacy in political, administrative and institutional affairs over the Malvinas.

20. The dispute was duly recognized as a colonial dispute, but did not fit within the standard model since it did not concern a people fighting to exercise the right to self-determination and to free themselves from the subjugation of a dominant foreign Government. Instead, it was a dispute between two States concerning the legitimate title of sovereignty over a territorial extension — the Malvinas Islands. Of the nearly 50 resolutions adopted by the General Assembly or the Committee, none had mentioned a "people" and just one had referred to a "population".

21. Sovereignty was central to the question of the Malvinas. The issue could not be resolved without an international agreement in line with international law. An agreement should be reached as quickly as possible, and it was to be hoped that the Secretary-General's mission of good offices and the hard work of the Committee would break the current impasse. Every

effort should be made to attain the goal of General Assembly resolutions 1514 (XV) and 2065 (XX) of putting an end to the colonial status of the Malvinas Islands and restoring them as an integral part of the territory of Argentina, taking into account the interests of the British nationals residing in those Islands.

22. **Mr. Vernet**, speaking in his personal capacity as an Argentine citizen, as the great-great-grandson of the first political and military Argentine commander of the Malvinas Islands, Luis Vernet, and as a living testimony to the Argentine citizens who had peacefully inhabited the Islands before being expelled by force, said that he had come to the Committee to reaffirm that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of the Argentine national territory to which Argentina had legitimate, inalienable and imprescriptible rights, and to call for a negotiated end to their colonial status and a solution to the ongoing sovereignty dispute.

23. The sovereignty rights exercised by Spain since its discovery of the archipelago in 1520 had been acknowledged by France, which had occupied the islands in 1764 before yielding to the territorial claims of Spain, which had then occupied the islands until 1810. The Argentine Republic had inherited its rights over the Malvinas Islands from Spain and, following independence, had performed various acts of sovereignty, such as issuing fishing regulations for the area and granting business concessions. In 1828, the Vice-Consul of the United Kingdom had recognized the legitimacy of the administrative acts performed by the Argentine Government in exercise of its territorial sovereignty over the Islands.

24. The subsequent usurpation of the Malvinas Islands by the United Kingdom and its removal of the Argentine population were well-known historical facts, reflecting imperialistic policies developed in the nineteenth century. Since acts of force could not create rights, it was only proper that the Argentine claims should be addressed. As for the right of self-determination of peoples asserted by those islanders who, being British citizens, wished to remain so, that right was subject to the principle of territorial integrity. The current inhabitants were citizens of the occupying Power and, as such, did not have the right of self-determination. It was the Argentine people who must have international protection, having suffered from the colonialist action of the United Kingdom and having been expelled from the Islands by its naval forces. Application of the principle of self-determination to the case of the Malvinas would favour colonialism and would fly in the face of the work of the Committee. It was also worth noting that not only were the Islands in the neighbouring waters of Argentina, but in addition, they were, from a geomorphological perspective, an integral part of Argentine territory.

25. The United Kingdom should undertake to resolve the sovereignty dispute through negotiations, as repeatedly recommended by the United Nations, in a spirit of dialogue, friendship and respect. Accordingly, the islanders appearing before the Committee in the name of "the Falkland Islands" should abandon their intransigence which, by stoking anti-Argentine feeling, served only to prolong the dispute. Argentina and the United Kingdom should seize the historic opportunity to set an example of international cooperation on a modern basis.

Draft resolution A/AC.109/2017/L.26, Question of the Falkland Islands (Malvinas)

26. **Mr. Barros Melet** (Chile), introducing draft resolution A/AC.109/2017/L.26 on behalf of the sponsors, said that the text acknowledged the established United Nations position on the peaceful resolution of the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It recognized that the issue was a special and particular colonial situation that differed from other colonial situations as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by the Governments of the two parties. Therefore, the draft resolution requested the parties to resume negotiations in order to find a peaceful solution, in accordance with the relevant United Nations resolutions.

27. The question of the Malvinas Islands was important to the Latin American and Caribbean countries, as demonstrated by the statements they had adopted at various regional forums reiterating their firm support for the legitimate rights of Argentina in the sovereignty dispute, including the declaration adopted at the fifth Summit of the Heads of State and Government of CELAC, held in January 2017. At the twenty-fifth Ibero-American Summit, held in Cartagena, Colombia, in October 2016, the Heads of State and Government of the Ibero-American countries had reaffirmed that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to finding an early solution to the sovereignty dispute in accordance with the resolutions of the United Nations and the Organization of American States and the provisions of the Charter of the United Nations, including the principle of territorial integrity. In April 2016, the Ministers for Foreign Affairs from the countries of the Union of

South American Nations (UNASUR) had adopted a special declaration highlighting the Argentine Government's constructive attitude and willingness to engage in negotiations in order to reach a definitive solution to the dispute. In September 2016, the Ministers for Foreign Affairs from the States members of the Group of 77 and China had adopted a declaration recognizing that the sovereignty dispute seriously damaged the economic capacities of the Argentine Republic and reiterating the need for both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly.

28. The persistence of colonial situations in the twenty-first century was an anachronism that must end. The sponsors of the draft resolution regretted that, notwithstanding the amount of time that had elapsed and the many resolutions adopted by the United Nations to date, direct negotiations between the parties had not been resumed. The sponsors firmly supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. They hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

Statements made in explanation of position before the decision

29. **Mr. Faurie** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, said that the Malvinas Islands had been an integral part of Argentine territory since the nation's creation. The Argentine Republic had never consented to their occupation by the United Kingdom by force in 1833 and had since called for the restitution of its full sovereignty over the Malvinas Islands, South Georgia Islands and Sandwich Islands and the surrounding maritime areas. All political parties in Argentina were in agreement on the issue, as evidenced by the representatives of different political parties who had accompanied him to the meeting. He reiterated his Government's full willingness to resume negotiations with the United Kingdom as the only way to find a peaceful and definitive solution to the sovereignty dispute.

30. The question of the Malvinas Islands was a special and particular colonial situation given that application of the principle of self-determination would violate the inalienable and pre-existent right of the Argentine State to maintain the integrity of its territory. Self-determination therefore did not apply to the inhabitants of the Malvinas Islands, who were not recognized as a people able to exercise that right under the relevant United Nations resolutions. In none of the more than 40 resolutions adopted by the General Assembly and by the Special Committee on the question of the Malvinas Islands was there any reference to the principle of self-determination, and previous attempts to incorporate such references had been rejected. In 1833, the United Kingdom had expelled the Argentine authorities and population, subsequently implanting its own settlers and strictly controlling migration policies, which continued to determine the composition of the Territory's population. Decolonization and self-determination were therefore not synonymous, and the underlying sovereignty dispute must be resolved by Argentina and the United Kingdom.

31. Argentina was not indifferent to the interests of the islanders. All the successive democratic Governments of Argentina had been firmly resolved to respect and defend the islanders' way of life, recognizing that those interests would need to be taken into account in a definitive solution to the sovereignty dispute. Over the years following the adoption of General Assembly resolution 2065 (XX), the Governments of Argentina and the United Kingdom had engaged in substantive discussions and considered various proposals, including measures to enable Argentina to resume the exercise of its sovereignty, to no avail. During the same period, Argentina had made efforts to improve the living conditions of the inhabitants of the Malvinas Islands by establishing a weekly schedule of direct air connections to the Argentine mainland, constructing an aerodrome, supplying fuel and facilitating access to the Argentine health-care and education systems. Those efforts had been duly recognized by the General Assembly in its resolution 3160 (XXVIII), adopted in 1973. Since the 1982 hostilities, the United Kingdom had refused to resume sovereignty negotiations, despite repeated calls to that effect by the United Nations. The armed conflict, which had resulted in the loss of Argentine and British lives, had not solved the dispute or changed its legal basis.

32. Over the previous year, the two Governments had opened a new chapter in their relationship, based on the historical ties between their countries, and in September 2016 they had issued a joint communiqué expressing their intention to resume a dialogue, which had enabled them to progress in a number of areas of mutual interest. In particular, they had concluded

agreements with the International Committee of the Red Cross for the identification of unknown Argentine soldiers buried in Darwin cemetery on the Malvinas Islands.

33. Argentina wished to maintain a broad agenda with the United Kingdom in order to address all issues and build consensus in different fields. However, an open and clear dialogue must be maintained in order to work in an intensive and substantive manner towards resolving the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

34. In order for the South Atlantic region to set an international example for peace and dialogue between nations, it must be strengthened as a zone of peace and the dispute over the Malvinas Islands must be resolved. The current circumstances offered a favourable context in which to address the matter at the bilateral level and overcome disagreements. It was hoped that Argentina and the United Kingdom would be able to work creatively and in a spirit of cooperation to address every issue on the bilateral agenda. Furthermore, it was expected that, as required by General Assembly resolution 31/49, the United Kingdom would end its unilateral exploration and exploitation of renewable and non-renewable resources in the disputed area, which had been condemned in several multilateral and regional forums. With political will, it would be possible to reach a definitive solution to the question of the Malvinas Islands. He wished in particular to acknowledge the countries that had sponsored the draft resolution, as well as all other countries that had joined the call for the dispute to be resolved.

35. **Mr. Sevilla Borja** (Ecuador), speaking on behalf of the Group of 77 and China, said that, at their fortieth annual meeting, in September 2016, the Ministers for Foreign Affairs of the States members of the Group of 77 and China had adopted a declaration in which they had reaffirmed the need for the Governments of Argentina and the United Kingdom to resume negotiations, in accordance with the Charter of the United Nations and the relevant resolutions of the General Assembly, in order to find, as soon as possible, a peaceful solution to the sovereignty dispute relating to the question of the Malvinas Islands, which was seriously damaging the economic capacities of the Argentine Republic. They had also reiterated the need for both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly. They had recognized the right of the Argentine Republic to take legal action with full respect for international law and relevant resolutions against unauthorized hydrocarbon exploration and exploitation activities in the Malvinas Islands area, considering that such activities were seriously detrimental to the sovereignty rights of the Argentine Republic over its continental shelf.

36. **Mr. Djani** (Indonesia) said that joint efforts and a spirit of cooperation were needed to ensure the success of the Third International Decade for the Eradication of Colonialism, and the Committee should focus its efforts on the 17 remaining Non-Self-Governing Territories. His delegation welcomed the progress made by the Committee in promoting decolonization, as well as the goodwill and cooperation demonstrated by certain administering Powers. Only through peaceful dialogue could mutually acceptable solutions be found to the challenges before the Committee.

37. Concerning the question of the Falkland Islands (Malvinas), his delegation welcomed the consensual approach taken by the Committee to that issue and urged Argentina and the United Kingdom to resume negotiations towards a peaceful, just and lasting solution to the sovereignty dispute. His delegation fully supported the Secretary-General's mission of good offices to facilitate the parties' compliance with the relevant General Assembly resolutions.

38. **Mr. Falouh** (Syrian Arab Republic) said that the political ramifications of the continued existence of 17 Non-Self-Governing Territories decades after the establishment of the Special Committee needed to be discussed and should prompt the Committee to intensify its efforts, since colonialism was a crime against humanity and a violation of international law.

39. His delegation reiterated its support for the legitimate rights of the Argentine Republic in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, taking into account the principle of the territorial integrity of Argentina. The United Kingdom should end its colonial occupation of those Islands in accordance with General Assembly resolutions stating that the situation was a special and particular colonial situation involving a sovereignty dispute between the United Kingdom and Argentina and that it could be resolved only through peaceful negotiations. His delegation supported the draft resolution, the adoption of which by consensus would constitute a reaffirmation of the general support for the Argentine position in that dispute.

40. **Mr. Inchauste Jordán** (Plurinational State of Bolivia) said that his country supported the legitimate rights of Argentina in the sovereignty dispute regarding the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the fifth CELAC Summit, held in January 2017, Latin American and Caribbean States had reiterated their abiding interest in the resumption of negotiations between Argentina and the United Kingdom for a peaceful and definitive settlement in line with the relevant United Nations resolutions.

41. The historical facts concerning the question of the Malvinas Islands were undisputable and supported the case of Argentina. In 1833, the British navy had invaded the Territory, which had been considered Argentine since the Argentine revolution of 1810, and had forcefully expelled the Argentine authorities. On 16 December 1965, the General Assembly had adopted resolution 2065 (XX), which made explicit reference to a sovereignty dispute between the Governments of Argentina and the United Kingdom and invited those Governments to proceed with negotiations to find a peaceful solution to the problem. The inhabitants of the Malvinas Islands were not under colonial rule; they were a foreign population inhabiting colonized territory. The Argentine Government had nevertheless respected their way of life.

42. His delegation strongly condemned the provocative acts of the United Kingdom, including the unilateral exploration and exploitation of renewable and non-renewable natural resources and the increasing British military presence in the area. Those activities clearly violated United Nations resolutions. The United Kingdom should fulfil its obligation to negotiate a peaceful settlement to the sovereignty dispute in good faith and within a reasonable time frame. The settlement should involve the return of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to Argentina.

43. **Mr. Hermida Castillo** (Nicaragua) said that, in declaring the Latin American and Caribbean region a zone of peace, CELAC had sought to rid the region of colonialism. The question of the Malvinas Islands was underpinned by international law and justice, given that more than 50 years had elapsed since the historic adoption of General Assembly resolution 2065 (XX), which had been the first to characterize the question of the Malvinas Islands as a bilateral dispute between Argentina and United Kingdom and had called on the two parties to seek a peaceful solution through bilateral negotiations. It was regrettable that the United Kingdom had still not taken concrete measures to that end. Nicaragua urged the two parties to the sovereignty dispute to resume negotiations to find a peaceful and lasting solution.

44. Since the Sandinista revolution in his country, Nicaragua had supported the legitimate and imprescriptible sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That position had been expressed repeatedly by CELAC, most recently at its 2017 Summit. The question of the Malvinas Islands concerned the entire Latin American and Caribbean region. The CELAC member States would thus continue to consolidate the region as a zone of peace in which disputes between nations were resolved through dialogue, negotiation or other forms of peaceful settlement, in accordance with international law. However, peace could not be fully achieved in the region until the Malvinas Islands were returned to their legitimate owner, Argentina.

45. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the illegal occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas by the United Kingdom showed that colonialist and imperialist practices were alive and well 200 years after the proclamation of independence of the Argentine Republic, and that military force continued to be used in violation of international law, the principles of which reaffirmed Argentine sovereignty over the disputed territories. It was regrettable that there were still 17 unresolved cases of colonization, 57 years after the adoption of General Assembly resolution 1514 (XV) and just three years before the end of the Third International Decade for the Eradication of Colonialism. Every effort must be made to eliminate colonial practices, which violated international law.

46. The Bolivarian Republic of Venezuela supported the sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and urged the Governments of Argentina and the United Kingdom to resume negotiations with a view to finding a peaceful, negotiated solution to the sovereignty dispute in line with international law and the relevant General Assembly resolutions. In refusing to come to the negotiating table, the United Kingdom was not only turning a deaf ear to the calls of the international community but was also violating the Charter of the United Nations. His delegation aligned itself with the many United Nations resolutions on the issue, including General Assembly resolution 31/49, and recalled the mandate which the General Assembly had given to the Secretary-General.

47. Argentina did not stand alone, for many regional and international bodies, ranging from the Organization of American States to the Group of 77 and China, supported its legitimate claim to sovereignty and its rejection of unilateral British measures, including the exploration and exploitation of oil and other natural resources on the Argentine continental shelf, which violated United Nations resolutions. His delegation rejected the conduct of military exercises and missile launches in and from the Malvinas Islands, which violated General Assembly resolution 31/49 as well as the maritime safety standards established by the International Maritime Organization.

48. The question of the Malvinas Islands could not be addressed without mentioning the cunning attempts of the United Kingdom to justify and legitimize its occupation by organizing a referendum on self-determination that was void of any legal basis. The United Nations considered the question of the Malvinas Islands a violation of the territorial integrity of Argentina; none of its relevant resolutions had ever referred to the principle of self-determination, which did not apply because there was no subjugation or exploitation of a people by a foreign Power.

49. **Ms. Rodriguez Camejo** (Cuba) said that, in General Assembly resolution 2065 (XX), it was clearly stated that the question of the Malvinas Islands involved a sovereignty dispute between Argentina and the United Kingdom that should be resolved through negotiations between those States. Unfortunately, despite the many United Nations resolutions calling for such negotiations, a lasting solution was no closer than before.

50. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were part of the national territory of Argentina, as had been reiterated at various high-level forums such as summits of CELAC and the Central American Integration System, and the Summit of Heads of State and Government of South American and Arab Countries. The military exercises conducted in that territory by the United Kingdom in October 2016 infringed the sovereignty of Argentina and violated United Nations resolutions and others, as well as the Proclamation of Latin America and the Caribbean as a Zone of Peace adopted by CELAC in 2014.

51. Her delegation called for the negotiation of a fair, peaceful and definitive settlement of the dispute as soon as possible. The agreement should take into account the territorial integrity of Argentina and the interests of the population of the Islands. The United Kingdom should heed the Committee's repeated calls for negotiations and should respond positively to the willingness expressed by the Government of Argentina to resume bilateral negotiations. Until a definitive solution was reached through negotiations, the parties should refrain from taking decisions that would imply introducing unilateral changes in the situation. The Committee, in accordance with its mandate, should make every effort to ensure that negotiations took place, and the Secretary-General should use his good offices to help the parties comply with the relevant General Assembly resolutions. Her country would continue to work to eradicate colonialism from Latin America and the Caribbean.

52. *Draft resolution A/AC.109/2017/L.26 was adopted.*

53. **Mr. Hüchev** (Russian Federation) said that the Governments of Argentina and the United Kingdom should resolve the sovereignty dispute through political and diplomatic means, in line with the relevant United Nations resolutions. His delegation trusted that the parties would show wisdom, responsibility and a commitment to the fundamental principles of the Charter of the United Nations, and would swiftly launch intergovernmental negotiations with a view to resolving the situation. His Government was concerned about the potential militarization of the South Atlantic and hoped that the parties would respect the Treaty of Tlatelolco and its Additional Protocol. The concerns of States and entities in the region should also be taken into account.

54. **Mr. Liu** Song (China) said that the question of the Malvinas Islands was a relic of the colonial past. Over the years, the General Assembly and the Committee had adopted resolutions calling on Argentina and the United Kingdom to conduct negotiations with a view to resolving the matter peacefully, in accordance with the wishes of the Committee and Member States. China had consistently supported the Argentine claim to sovereignty over the Malvinas Islands, and was of the view that negotiations between the two countries would resolve the territorial dispute in accordance with the Charter of the United Nations. His delegation hoped that Argentina and the United Kingdom would start a constructive dialogue with a view to reaching a peaceful, just and appropriate negotiated solution in the near future.

55. **Ms. Challenger** (Antigua and Barbuda) said that General Assembly resolution 31/49 must be implemented. Her delegation called on the Governments of Argentina and the United Kingdom to resume negotiations in order to find a peaceful and definitive solution to the dispute in line with the relevant United Nations resolutions.

56. **Mr. Zamora Rivas** (Observer for El Salvador), speaking on behalf of CELAC, said that the Community supported the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the second CELAC Summit, the Heads of State and Government from the region had pledged to continue working to consolidate Latin America and the Caribbean as a zone of peace in which differences among nations were settled through dialogue and negotiation or any other peaceful means in compliance with international law. At the fifth Summit, they had adopted a special declaration on the question of the Malvinas Islands, in which they had reiterated their strongest support for the legitimate rights of Argentina in the dispute and the abiding interest of the countries of the region in having the Governments of Argentina and the United Kingdom resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the dispute, pursuant to General Assembly resolution 2065 (XX) and other relevant resolutions of the United Nations and the Organization of American States. They had also mandated the CELAC Pro Tempore President to request the Secretary-General of the United Nations to renew his efforts to accomplish the good offices mission entrusted to him by the General Assembly, with a view to bringing about the resumption of negotiations; reiterated the importance of complying with General Assembly resolution 31/49, which called on the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, and highlighted the willingness of the Government of Argentina to resume a dialogue that would enable a definitive solution to the sovereignty dispute to be found.

57. **Mr. Meza-Cuadra** (Observer for Peru), speaking on behalf of the Union of South American Nations (UNASUR), said that, in its April 2016 special declaration on the question of the Malvinas Islands, UNASUR had reiterated its support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had reaffirmed the region's abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom. It had also welcomed the bilateral meetings that had taken place between the President of Argentina and the Prime Minister of the United Kingdom in 2016 and had highlighted the continuous constructive attitude and willingness of the Argentine Government to reach, by means of negotiations, a definitive solution to that anachronistic colonial situation.

58. In its 2010 declaration on the issue, UNASUR had firmly rejected the unilateral exploration and exploitation by the United Kingdom of non-renewable natural resources on the Argentine continental shelf as a flagrant violation of General Assembly resolution 31/49. It also rejected the military presence of the United Kingdom in the South Atlantic and strongly condemned the unilateral and illegal military exercises carried out by the United Kingdom in 2016 in the territory it illegally occupied, which did nothing to foster a favourable climate for negotiations on a peaceful and definitive solution to the sovereignty dispute.

59. UNASUR reiterated its firm support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and called on the United Kingdom to resume negotiations with Argentina in order to find, as soon as possible, a peaceful and definitive solution, in line with the relevant resolutions of the United Nations and the Organization of American States.

60. **Ms. Mejía Vélez** (Observer for Colombia), speaking on behalf of the Ibero-American countries, said that at the twenty-fifth Ibero-American Summit, held in Cartagena, Colombia, in October 2016, the Heads of State and Government of the Ibero-American countries had issued a special communiqué on the question of the Malvinas Islands, in which they had reaffirmed the need for the Governments of the Argentine Republic and the United Kingdom to resume negotiations, as soon as possible, with a view to finding an early solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, within the framework of the resolutions adopted by the United Nations and the Organization of American States and the provisions and objectives of the Charter of the United Nations, including the principle of territorial integrity. They had also underscored the successive General Assembly resolutions urging the Secretary-General to use his good offices with a view to the resumption of negotiations for the purpose of finding, as soon as possible, a peaceful solution to the above-mentioned dispute; reiterated the importance of observing General Assembly resolution 31/49; welcomed the bilateral meetings held in January and April 2016 between the President of the Argentine Republic and the Prime Minister of the United Kingdom, and the willingness of both leaders, while acknowledging the two countries'

differences, to embark on a path of open dialogue, and highlighted the ongoing constructive attitude and willingness of the Argentine Government to reach, through negotiations, a definitive solution to what the United Nations had defined as a special and particular colonial situation.

61. Speaking in her national capacity, she reiterated her country's full support for the rights of Argentina in the sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

62. **Mr. Vieira** (Observer for Brazil) said that his Government firmly supported the legitimate rights of Argentina in the sovereignty dispute, which was a special and particular colonial situation in Latin America that had lasted for nearly two centuries. The principle of self-determination did not apply because the inhabitants of the Islands were descended from a British population introduced as part of an illegal occupation. Negotiations on the question should instead be based on the principle of territorial integrity. The resolution of the dispute depended on dialogue between the two parties and the completion of the Secretary-General's good offices mission mandated by General Assembly resolution 1514.

63. In accordance with General Assembly resolution 31/49, his Government urged the United Kingdom to cease its exploration and exploitation of natural resources in the disputed area. In solidarity with Argentina, Brazil did not allow aircraft and ships bound for the Malvinas Islands to use its airports and ports unless they complied with that resolution. The South Atlantic was a zone of peace and cooperation, free of nuclear weapons and weapons of mass destruction, and dedicated to the harmony and peaceful settlement of disputes that characterized Latin America, the Caribbean and the African countries of the South Atlantic.

64. The desire for a negotiated solution was shared not only throughout Latin America but by all developing countries. In the Latin American Integration Association declaration on the question of the Malvinas Islands of 21 August 2014, the Association's members had expressed support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had recalled that it was in the interests of the region for the prolonged sovereignty dispute to be resolved as soon as possible, in accordance with the relevant United Nations resolutions and the declarations of the Organization of American States. His delegation supported the mission of good offices entrusted to the Secretary-General by the General Assembly.

65. **Mr. Skinner-Klée** (Observer for Guatemala) said that the presence of the Minister for Foreign Affairs and Worship of Argentina at the meeting was further evidence of the Argentine Government's commitment to multilateralism and respect for the Charter of the United Nations. The General Assembly had long recognized the existence of a sovereignty dispute between Argentina and the United Kingdom concerning a special and particular colonial situation. The territorial integrity of Argentina had been violated in 1833, and part of its territory had been occupied by force since that time. The question of the Malvinas Islands concerned an occupied territory, not an occupied people. The current inhabitants of the Islands were subjects of the occupying Power and as such had no legal right to self-determination. The United Nations had expressly ruled out the possibility of applying the right to self-determination in relation to the question of the Malvinas Islands. More than 50 years had passed since the adoption of General Assembly resolution 2065 (XX), but the occupying Power had still not demonstrated any intention to act in good faith to find a solution to the dispute.

66. His delegation welcomed the continued willingness of Argentina to resolve the dispute through negotiation and dialogue and called on the United Kingdom to enter into negotiations with a view to finding a definitive and peaceful solution that would benefit both parties. In that connection, his delegation congratulated the parties for reaching an agreement that had allowed the process of identifying the unidentified Argentine soldiers buried in the Malvinas Islands to begin in 2017.

67. The Central American Integration System supported Argentina in the sovereignty dispute. Furthermore, the region had an abiding interest in the resumption of negotiations between Argentina and the United Kingdom with a view to reaching a peaceful and definitive settlement in line with the relevant pronouncements of the United Nations and the Organization of American States as soon as possible. The time had come to use the multilateral system, in particular the means of peaceful dispute resolution provided for under international law, to fulfil the Committee's mandate by ensuring the negotiation of a solution to the ongoing colonial situation in Latin America, which had suffered a great deal from colonialism and imperialism.

The meeting rose at 1.25 p.m.